

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

MARK SHEA, )  
                  )  
Plaintiff,     )  
                  )  
v.               )  
                  )  
TOWN OF ST. JOHNSBURY,     )  
KEVIN ODDY, TOM MOORE,     )  
JEFFREY MOORE, and     )  
ALAN RUGGLES,     )  
                  )  
Defendants.     )

Case No. 1:13-cv-00065-jgm

RULING ON PLAINTIFF'S MOTION TO AMEND COMPLAINT TO JOIN  
JOHN HALL AS AN INDISPENSABLE PARTY  
(Doc. 63)

Plaintiff Mark Shea now moves this Court for permission to add John Hall as an indispensable party to the case. (Doc. 63.) The Defendants oppose this motion.<sup>1</sup> (Doc. 68.) For the following reasons, Shea's motion is GRANTED.

Under Federal Rule of Civil Procedure 15(a)(2), “a party may amend its pleading only with the opposing party's written consent or the court's leave,” but the Court “should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Although this decision is discretionary, “there must be good reason to deny the motion.” Renard v. Dillman, 162 F.3d 1148 (2d Cir. 1998). Shea seeks to add Hall because “the validity of Mr. Hall's appointment cannot be adequately adjudicated in his absence.” (Doc. 63 at 2-3.) The Court agrees. If Shea were to prevail on his claims, Hall – the current town manager of St. Johnsbury – might be prejudiced. He should therefore be added.

SO ORDERED.

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<sup>1</sup> The Defendants jointly filed a motion for leave to file out of time their opposition to Shea's motion to add Hall. (Doc. 72.) The Plaintiff opposes this motion. (Doc. 73.) The Defendants' motion is GRANTED and the Court has considered their opposition.

Dated at Brattleboro, in the District of Vermont, this 5<sup>th</sup> day of November, 2013.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
United States District Judge